

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

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WENDY NORING,  
Plaintiff,

v.

H&R ACCOUNTS INC.,  
Defendant.

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Case No. \_\_\_\_\_

COMPLAINT AND JURY DEMAND

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COMPLAINT

Plaintiff Wendy Noring, by her attorney Ray Johnson, for her claims against the  
Defendant states:

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant H&R Accounts, Inc. (hereafter "H&R Accounts") for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices, and for violations of Iowa Code § 537.7103.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff Noring is a natural person residing in Waukee, Iowa.

4. Defendant, H&R Accounts, is a business engaged in the collection of debts in the state of Iowa.
5. H&R Accounts is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

#### IV. FACTUAL ALLEGATIONS

6. Noring owes no debt whatsoever that H&R Accounts is collecting.
7. On or about November 5, 2013, H&R Accounts instructed the Dallas County Sheriff to serve a wage garnishment on Noring's employer.
8. Noring's wages were in fact garnished even though H&R Accounts had no legal right to do so.

#### V. FIRST CLAIM FOR RELIEF

9. All facts and allegations of this Complaint are incorporated herein by reference.
10. H&R Accounts violated the FDCPA, 15 U.S.C. § 1692c. H&R Accounts' violations include, but are not limited to, the following:
  - a. H&R Accounts violated 15 U.S.C. § 1692c(b) by communicating the existence of an alleged debt to her employer without her consent or to effectuate a valid post-judgment remedy.
  - b. H&R Accounts violated 15 U.S.C. § 1692e by using a false, deceptive or misleading means to collect a debt, including but not limited to the character, amount or legal status of a debt; and the representation or implication that nonpayment of any debt will result in the garnishment of wages; and threatening to take an action that cannot legally be taken.

- c. H&R Accounts violated 1692f by using unfair or unconscionable means to collect or attempt to collect a debt.

11. As a result of the above violations of the FDCPA, H&R Accounts is liable to Noring for statutory damages, actual damages, including damages for emotional distress, costs and attorney's fees.

**WHEREFORE**, Noring respectfully requests that judgment be entered against H&R Accounts for the following:

- A. Actual damages;
- B. Statutory damages pursuant to 15 U.S.C. § 1692k.
- C. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- D. For such other relief as the Court deems appropriate in the circumstances.

#### VI. SECOND CLAIM FOR RELIEF

12. All facts and allegations of this Complaint are incorporated herein by reference.

13. H&R Accounts is a "creditor" as defined in Iowa Code § 537.7102(2).

14. The alleged obligation of Noring to H&R Accounts is a "debt" as defined by Iowa Code § 537.7102(3).

15. H&R Accounts is a "debt collector" engaged in "debt collection" as defined by Iowa Code §§ 537.7102(4) and (5).

16. The foregoing acts, omissions and practices of H&R Accounts are violations of Iowa Code § 537.7103, including but not limited to:

- a. H&R Accounts violated Iowa Code § 537.7103(1)(f) by taking action prohibited by this chapter or any other law.

- b. H&R Accounts violated Iowa Code § 537.7103(1)(e) by serving a garnishment notice on payment containing a false threat that wages would be garnished as a result of nonpayment.
- c. H&R Accounts violated Iowa Code § 537.7103(3)(a) by communicating to her employer about the fact of an alleged debt without her written permission.
- d. H&R Accounts violated Iowa Code § 537.7103(1)(c) making a false accusation to a person that a debtor is willfully refusing to pay a just debt.
- e. H&R Accounts violated Iowa Code § 537.7103(4)(e) by making a representation which tends to create a false impression about the character, extent or amount of a debt, or its status in a legal proceeding.
- f. 537.7103(5)(d) by collecting or attempting to collect interest or other charges, fees or expenses not legally chargeable to Plaintiff.

17. As a result of the above violations of the Iowa Code, H&R Accounts is liable to Noring for statutory damages, actual damages, including damages for emotional distress, costs and attorney's fees.

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered against H&R Accounts for the following:

- A. Actual damages.
- B. Statutory damages.
- C. Costs and reasonable attorney's fees.
- D. For such other relief as the Court deems appropriate in the circumstances.

V. JURY DEMAND

Plaintiff hereby demands a jury on all issues triable to a jury.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ray Johnson", is written over a horizontal line.

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